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AN ACT
RELATING TO LONG-TERM CARE; AMENDING THE LONG-TERM CARE
FACILITY DEMENTIA TRAINING ACT TO UPDATE TRAINING PROGRAM
REQUIREMENTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 24-17B-2 NMSA 1978 (being Laws 2021,
Chapter 111, Section 2) is amended to read:

"24-17B-2. DEFINITIONS.--As used in the Long-Term Care
Facility Dementia Training Act:

- A. "department" means the department of health;
- B. "direct care service" means services provided
to long-term care facility residents that maintain or improve
the health and quality of life of the residents;
- C. "direct care service staff member" means a
person employed by or contracted with a long-term care
facility to provide in-person direct care services to long-
term care facility residents. "Direct care service staff
member" does not include a registered nurse licensed pursuant
to the Nursing Practice Act or a physician licensed pursuant
to the Medical Practice Act who has received specialized
training or education in geriatric care; and
- D. "long-term care facility" means a long-term
care facility licensed by the state that is not otherwise
required to provide at least four hours of dementia care

1 training under state or federal law. "Long-term care
2 facility" does not include a facility licensed pursuant to
3 the Public Health Act as an intermediate care facility for
4 individuals with intellectual disabilities."

5 SECTION 2. Section 24-17B-3 NMSA 1978 (being Laws 2021,
6 Chapter 111, Section 3) is amended to read:

7 "24-17B-3. TRAINING REQUIRED.--

8 A. Each long-term care facility that is subject to
9 the Long-Term Care Facility Dementia Training Act shall
10 provide at least four hours of dementia training to each
11 direct care service staff member that it employs on:

12 (1) recognizing and treating Alzheimer's
13 disease and dementia;

14 (2) person-centered care;

15 (3) activities of daily living;

16 (4) an overview of the different types of
17 dementia;

18 (5) strategies to manage the behavior of
19 people who have dementia; and

20 (6) strategies to effectively communicate
21 with people who have dementia.

22 B. Training may be online or in-person and shall
23 be a training program of at least four hours. Each long-term
24 care facility shall submit the training program that it uses
25 or proposes to use to the department for review. If the

1 department finds that the training program does not satisfy
2 the purposes of the Long-Term Care Facility Dementia Training
3 Act, it shall require the long-term care facility to submit a
4 new proposed training program.

5 C. A person designing the training shall have at
6 least two years of work experience related to Alzheimer's
7 disease, dementia, health care, gerontology or other related
8 field.

9 D. Every direct care service staff member shall
10 complete the requirements for and obtain a training
11 certificate as provided in Subsection E of this section.

12 E. A direct care service staff member:

13 (1) hired after January 1, 2022 shall
14 complete the training required pursuant to this section
15 within ninety days of the start of employment;

16 (2) hired prior to January 1, 2022 who has
17 not received training equivalent to the requirements set
18 forth in the Long-Term Care Facility Dementia Training Act
19 shall complete training within sixty days of January 1, 2022;

20 (3) hired prior to January 1, 2022 who
21 received training within the past twenty-four months
22 equivalent to the requirements set forth in the Long-Term
23 Care Facility Dementia Training Act shall be issued a
24 training certificate by the long-term care facility that
25 employs the direct care service staff member; and

1 (4) who has successfully obtained a training
2 certificate but has had a lapse of dementia-related direct
3 care service employment for twenty-four consecutive months or
4 more shall complete training within ninety days of the start
5 of employment.

6 F. Any long-term care facility that contracts for
7 the services of a direct care service staff member may
8 include a requirement in the contract that the direct care
9 service staff member has received dementia care training that
10 satisfies the requirements of the Long-Term Care Facility
11 Dementia Training Act."

12 SECTION 3. Section 24-17B-4 NMSA 1978 (being Laws 2021,
13 Chapter 111, Section 4) is amended to read:

14 "24-17B-4. DEPARTMENT OVERSIGHT AND RULEMAKING.--In
15 consultation with the aging and long-term services
16 department, the department shall:

17 A. identify, publish a list of and periodically
18 review online or in-person standardized training programs
19 that meet the requirements of the Long-Term Care Facility
20 Dementia Training Act;

21 B. develop and periodically review required
22 evaluation instruments that demonstrate competency and
23 knowledge gained in training topics;

24 C. promulgate rules:

25 (1) for evaluation on the training topics

1 for treatment and care of persons with Alzheimer's disease or
2 dementia;

3 (2) requiring an hour of dementia care
4 training to be included as part of an annual continuing
5 education training requirement for direct care service staff
6 members at long-term care facilities, unless additional time
7 is necessitated to address changing standards of care; and

8 (3) as necessary to carry out the Long-Term
9 Care Facility Dementia Training Act;

10 D. issue interpretative guidance as necessary to
11 ensure compliance with the Long-Term Care Facility Dementia
12 Training Act;

13 E. review all long-term care facility dementia
14 training programs related to the Long-Term Care Facility
15 Dementia Training Act; and

16 F. give notice of the requirements of the Long-
17 Term Care Facility Dementia Training Act to long-term care
18 facilities within ninety days of June 18, 2021."

19 **SECTION 4.** Section 24-17B-5 NMSA 1978 (being Laws 2021,
20 Chapter 111, Section 5) is amended to read:

21 "24-17B-5. DEMENTIA TRAINING CERTIFICATES.--The
22 provider of training conducted pursuant to the Long-Term Care
23 Facility Dementia Training Act shall issue a certificate to
24 staff upon completion of initial training. The certificate
25 shall be valid so long as the certificate holder meets the

1 requirements set forth by the department pursuant to the
2 Long-Term Care Facility Dementia Training Act and the
3 certificate holder has not had a lapse of dementia-related
4 direct care service employment for twenty-four consecutive
5 months or more. The certificate shall be valid among long-
6 term care facilities. Each long-term care facility and long-
7 term care facility contractor that is subject to the Long-
8 Term Care Facility Dementia Training Act shall be responsible
9 for maintaining documentation regarding completed dementia
10 training and evaluation for each direct care service staff
11 member."

12 SECTION 5. TEMPORARY PROVISION.--The aging and
13 long-term services department shall give notice of the new
14 requirements of the Long-Term Care Facility Dementia Training
15 Act to long-term care facilities within ninety days of the
16 effective date of this act.

17 SECTION 6. APPLICABILITY.--The provisions of Subsection
18 F of Section 24-17B-3 NMSA 1978 apply to agreements, or
19 renewals or extensions of agreements, executed on or after the
20 effective date of this act. _____

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